

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 04-10192-NG
)
CARLOS RUBEN RIVERA)

JOINT INITIAL STATUS MEMORANDUM (CORRECTED)

Pursuant to Local Rule 116.5(A), the parties hereby submit this Joint Memorandum to address issues relative to the progress of this case.

1. The parties do not seek relief from applicable timing requirements imposed by the local rule.
2. The defendant seeks discovery concerning any expert witnesses, pursuant to Fed. R. Crim. P. 16(a)(1)(E). The government has agreed to provide the defendant with discovery concerning any expert witnesses twenty-eight (28) days before trial, and the defendant has agreed to provide the government with any reciprocal discovery concerning expert witnesses within fourteen (14) days of trial as required under Fed. R. Crim. P. 16(b)(1)(C).
3. Disclosure of automatic discovery has not yet occurred.¹ The defendant does not presently have any discoverable information, but pursuant to the parties' agreement to provide reciprocal discovery, will provide the government with any such information received in the future.
4. The defendant will not be able to evaluate whether or not any dispositive motions will be filed in this case until after receipt of the government's automatic discovery materials. However, the defendant has filed a motion with the district judge for review of detention order, which is pending; the government's response to said motion is due on September 21, 2004.

¹The date for disclosure of Government's Automatic Discovery is September 16, 2004.

5. The parties do not believe that an initial status conference is necessary at this juncture, and request that the Initial Status Conference presently scheduled for Wednesday, September 15, 2004 at 9:30 a.m., be cancelled and that an Interim Status Conference be scheduled instead. The parties also request that the Court enter an Order on Excludable Delay under the Speedy Trial Act, excluding all of the time from August 19, 2004 through and including the date of the Interim Status Conference.
6. There have been no discussions between the parties regarding the possibility of an early resolution of the case.
7. The parties request that an Interim Status Conference be scheduled for mid to late December 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

CARLOS RUBEN BROWN,
Defendant

By: /s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3103

/s/Timothy Watkins/AEL
Timothy Watkins, Esq.
Federal Defender's Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210
(617) 223-8061

Dated: September 10, 2004